



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO. 19	FILING DATE / 94	SCHADE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
			C	43168

KEIL AND WEINKAUF
1101 CONNECTICUT AVENUE N W
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15M2/0710

EXAMINER
CHENG, W

ART UNIT	PAPER NUMBER
1505	16

DATE MAILED: 07/10/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Serial Number: 08/325,219

-1-

Art Unit: 1505

Supplemental Examiner's Answer

MAILED
JUL 10 1997
GROUP 1500

1. The reply brief is noted but the rejection stands for reasons of record. As stated in the answer, George indicates that the disclosed polymers have thickening properties and are useful in personal care products. In any event, applicants have not shown that the claimed polymers have unexpected properties as compared with the broader class of polymers of George from which the claimed polymers are selected.

2. This examiner's answer contains the following NEW GROUND OF REJECTION.
Claims 10 and 15 as well as claims 11-14 and 17 which incorporate the objectionable limitation by being dependant on claims 10 and 15, are rejected as in violation of the second paragraph of 35 USC 112 as being indefinite in the language "from the group comprising" in line 9 of claim 10 and line 7 of claim 15. As noted in MPEP 2173.05(h), last sentence of the second paragraph, it is improper to use the phrase "comprising" instead of "consisting of". If applicants would change this objectional phrase to "selected from the group consisting of" or otherwise appropriately close the Markush group, the amendment will be entered and the rejection is withdrawn. The failure to note this sooner is regretted.

3. *Period of Response to New Ground of Rejection*

In view of the new ground of rejection, appellant is given a period of TWO MONTHS from the mailing date of this examiner's answer within which to file a reply to such new ground of rejection. The reply may include any amendment or material appropriate to the new ground of

Serial Number: 08/325,219

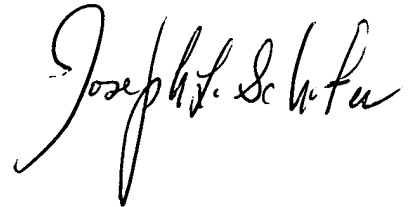
-2-

Art Unit: 1505

rejection. Prosecution otherwise remains closed. Failure to respond to the new ground of rejection will result in dismissal of the appeal of the claims so rejected.

4. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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SUPERVISORY PATENT EXAMINER
ART UNIT 155



W. C. Cheng
June 28, 1997

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